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6 Attorneys for Plaintiff  
7 United States of America

8 IN THE UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 UNITED STATES OF AMERICA,

CASE NO. 1:22-CR-00309-NODJ-BAM

12 Plaintiff,

13 v.

14 LUIS MAURICIO CASTENON,

15 Defendant.

16 STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: December 11, 2024

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

17 18 **STIPULATION**

19 Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO  
20 CASTENON, by and through defendant's counsel of record, Anthony Capozzi, hereby stipulate as  
21 follows:

22 1. By previous order, this matter was set for status on December 11, 2024.  
23 2. By this stipulation, defendant now moves to vacate the status conference and docket the  
case for trial on July 15, 2025, and to exclude time between December 11, 2024, and July 15, 2025,  
24 under 18 U.S.C. § 3161(h)(7)(A), B(iv) for the following reasons:  
25

26 a) As previously outlined, during the week of August 8, 2024, the Government  
27 learned new, derogatory information about one of the material witnesses in the case. The  
Government disclosed this information to the defense counsel and conducted an investigation

into the information.

b) The Government completed the investigation into the information and disclosed additional new information to the Defense. The Government also individually assessed how the information impacted each defendant's case. With respect to Mr. Reyes, the Government moved to dismiss the charges against him on November 18, 2024. With respect to Mr. Castenon, the Government is working on revising a plea offer that is more beneficial to Mr. Castenon. The Government will revise the plea agreement and provide it to the defense no later than December 3, 2024.

c) The parties therefore request to docket this case for trial on July 15, 2024. In the interim, the parties will continue to investigate this new information, assess how it impacts the case, negotiate potential resolution via a plea agreement, and prepare for trial. The parties have accounted for scheduling conflicts, including other trials.

d) Counsel for the defendant desires this time to discuss the new information with his client, conduct their own investigation into the information, and to discuss potential revised resolutions with his client, to prepare pretrial motions, and to otherwise prepare for trial.

e) Counsel for the defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

f) The government does not object to the continuance.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 11, 2024 to July 15, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence. **IT IS SO STIPULATED.**

DATED: November 25, 2024

PHILLIP A. TALBERT  
United States Attorney

By: s/ Arin C. Heinz  
ARIN C. HEINZ  
Assistant U.S. Attorney

DATED: November 25, 2024

By: /s/ Anthony Capozzi  
**ANTHONY CAPOZZI**  
Attorney for Defendant  
**LUIS MAURICIO CASTENON**

## ORDER

IT IS SO ORDERED that the status conference set for December 11, 2024, is vacated. A jury trial is set for **July 15, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Estimate time of trial is **4-5 days**. A trial confirmation is set for **June 30, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **November 29, 2024**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE